IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4241 OF 2005

Sanjay Ramchandra Bhagat,
age 46 years, residing at A/301,
PrathameshCo-op.Housing Society Ltd.,
Budhaji Nagar, Old Belapur Road,
Kalwa, Thane-400 605. ...Petitioner.

Vs.

-1. The Principal, Dyanasadhana College,
Municipal School No.18, Behind
TELCO, Off Highway, Thane-400 604.

-2. University of Mumbai,
through its Registrar, D. N. Road,
Fort, Mumbai-400 001.

-3. Joint Director of Higher Education,
Mumbai Region, Mahapalika Marg,
Dhobi Talao, Mumbai-400 001.

-4. State of Maharashtra,
Through its Department of Higher &
Technical Education, Mantralaya
Annexe, Mumbai-400 032. ... Respondents.

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Mr. Mihir Desai for the Petitioner.
Mr. R. S. Apte with Mr. M.S. Lagu for Respondent No.1.
Mr. R.A. Rodrigues for Respondent No.2.
Mr. V.S. Gokhale, AGP for Respondent Nos.3 and 4.

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**CORAM : F.I REBELLO AND**
**DR.D.Y.CHANDRACHUD, JJ.**

**September 21, 2005.**

**ORAL JUDGMENT (PER F.I. REBELLO, J.):**

Rule. Heard forthwith.

2. By an order dated 8th August 2005, the Respondent-State was asked to file a reply, failing which the petition was to proceed without the reply. The University has filed the reply of Dinesh Kamble, Deputy Registrar.

3. The Petitioner was appointed with effect from 13th August 1990 as a full time lecturer in Physics in the Respondent-College pursuant to an advertisement issued in 1990 and pursuant to a selection by duly constituted Selection Committee of the Respondent-University. The Petitioner has averred that the post was advertised as required, every year and there was no reserved candidate available. The appointment was also approved by the University. Considering the policy for dereservation, the College submitted a proposal for dereservation of the post on 21st March 1995. The University of Mumbai wrote back to the College intimating that some procedural formalities had to be completed. The same were completed and the matter was forwarded once again to the University. The College thereafter, was in correspondence for expediting the matter. As nothing was heard, Writ Petition No.2347 of 2002 came to be filed which was disposed

of by an order dated 28th April 2003, directing the Respondents to decide the Petitioner's claim for dereservation within a period of two months. The Government, however, by an order dated 10th June 2004 intimated that it was decided not to dereserve the post. It is on account of this, the present petition.

4. In the affidavit of the University, it is admitted that the Respondent-University had submitted the dereservation proposal to the State Government for approval. The facts in the present case are similar to the facts of Writ Petition No.4239 of 2005. Considering what is set out in the order of this court while disposing of that petition, the reasons as adopted therein, will also have to be adopted herein. In the light of that, the petition is made absolute in terms of prayer clause (a)(i), (ii) and (iii) as also prayer clause (b).

( F.I. Rebello, J. )

(Dr. D.Y. Chandrachud, J.)